

REMARKS

The Office Action mailed June 12, 2008 has been received and reviewed. Each of claims 1-12, 14-15, 49-60 and 62 stands rejected. Claims 1, 17 and 49 have been amended herein. No new matter has been introduced. Reconsideration of the above-identified application in view of the above amendments and the following remarks is respectfully requested.

SUMMARY OF EXAMINER INTERVIEW

Applicant would like to thank Examiner Reza for granting an interview September 9, 2008. During the interview, all claims were discussed, and Applicant's representative asserted three different points. First, the cited references (Heilig and Roddy) did not teach comparing a list of security protocols supported on one computer with a different list of security protocols supported by another computer. Second, the cited references did not teach identifying multiple protocols supported by different nodes and automatically selecting a preferred protocol to use in communicating data based on the transfer speed of the preferred protocol. And third, the Heilig reference only describes a system for devices to access a local area network (LAN); whereas, some of the subject claims are directed to establishing secure connections between nodes internal and external to a software-based, distributed directory of nodes.

While no formal agreement was met, the Examiner suggested adding the previous "comparing" feature back into some of the claims and clarifying the phrase "security-enabled domain," which was previously recited. The Examiner indicated that such amendments should overcome the cited references. Therefore, amendments have been made herein to conform to the Examiner's suggestions.

OBJECTION

The Specification of the present application was objected to for allegedly failing to provide proper antecedent basis for the "tangible computer-readable media" of claims 49-60 and 62. The Specification provides adequate support for such media. The Specification includes the claims as originally filed, which, in this case, included several claims (previously filed claims 49-62) that recited "[a] computer readable medium." Furthermore, the Specification repeatedly

mentions different computing devices—namely, servers, workstations, agents, and nodes. *See Specification*, Abstract and ¶¶ 0004, 0007, 0012, 0013, and 0015. These devices inherently include memory storage units. Thus, interpreting the current claims in light of the Specification provides proper antecedent basis for the phrase “tangible computer-readable media,” which can be thought of as memory on the different computing devices in the Specification.

REJECTIONS BASED ON 35 U.S.C. § 112

Claims 17-32, 49-60 and 62 are rejected under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite by failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Office contended that phrases like “first protocol set” and “second protocol set” is generally narrative and indefinite with respect to the invention. *See Office Action*, p. 2 (mailed June 12, 2008). Applicants respectfully traverse this rejection and point to numerous sections in the Specification that recite and describe what is meant by a protocol set. For instance, FIG. 3 clearly illustrates different sets of protocols—i.e., those for an external agent and those for a manager. *See, e.g.*, ¶¶ 0007 and 0021. Applicants respectfully submit that “protocol sets” are adequately described throughout the Specification, and the § 112 rejection should be withdrawn.

REJECTIONS BASED ON 35 U.S.C. § 101

Claims 49-60 and 62 are rejected under 35 U.S.C. § 101 for allegedly being directed to non-statutory subject matter. As previously stated, the Specification provides adequate support for the “tangible computer-readable media,” as recited in these claims. Specifically, claims 49-62, as originally filed, recited “[a] computer readable medium.” Furthermore, the Specification repeatedly mentions different computing devices—namely, servers, workstations, agents, and nodes. *See Specification*, Abstract and ¶¶ 0004, 0007, 0012, 0013, and 0015. These devices inherently include memory storage units. Thus, interpreting the current claims in light of the Specification provides proper antecedent basis for the phrase “tangible computer-readable media,” which can be thought of as memory on the different computing devices in the Specification.

REJECTIONS BASED ON 35 U.S.C. § 102

Claims 1-4, 8, 10-12, 14-15, 17-20, 24-31, 49-52, 56-60 and 62 were rejected under 35 U.S.C. § 102(b) for allegedly being anticipated by U.S. Publication No. 2002/0078371 to Heilig et al. ("Heilig"). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdeggal Brothers v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). *See also*, MPEP § 2131. Applicant respectfully traverses this rejection and asserts that each element of claims 1-4, 8, 10-12, 14-15, 17-20, 24-31, 49-52, 56-60 and 62 cannot be found in Heilig.

Independent claim 1 recites "determining that the first node and the second node contain two or more security protocols in common." (emphasis added). Claim 1 also recites "comparing the first protocol set associated with the internal node to the second protocol set associated with the external node." Heilig does not teach the same.

Heilig merely describes registering computers with a proxy service to facilitate communication (*see Heilig*, Abstract) and using a mapping rules to map ports of a firewall to ports of a server (*see id.*, ¶ 0015). Indeed, Heilig mentions a number of transfer protocols (HTTP, FTP, IMAP). Yet, Heilig never discusses comparing available protocols on one computing device with available protocols on another to determine whether the two devices contain common protocols. At best, Heilig discusses different communication ports being assigned to various protocols. *See id.*, ¶¶ 0014, 0015, 0078, and 0089. But no mention is made to comparing sets of supported protocols for devices, as recited in claim 1.

Moreover, claim 1 also recites "selecting a preferred protocol from the two or more security protocols based on transfer speeds associated with the two or more security protocols, wherein the transfer speeds refer to the speeds that network data can be transferred using the two or more security protocols." Applicant respectfully submits that Heilig does not describe selecting a security protocol based on transfer speeds for communicating data.

Heilig fails to describe the "determining," "comparing," and "selecting" features of claim 1, as amended herein. Therefore, the § 102(b) rejection should be withdrawn.

Similarly, independent claim 17, as amended herein, recites “determining that the first protocol set and the second protocol set contain two or more security protocols in common” and “comparing the first protocol set associated with the internal node to the second protocol set associated with the external node.” (emphasis added). Also, claim 17 has been amended to recite “selecting a preferred protocol from the two or more security protocols based on at least one of transfer speeds associated with the two or more security protocols and bit depths of one or more encryption keys.” (emphasis added). Wherein, “the transfer speeds include the speeds that network data can be transferred using the two or more security protocols, and the bit depths of one or more encryption keys include the number of bits constituting the one or more encryption keys.”

As previously stated, Heilig does not describe comparing sets of protocols supported by different computing devices to find a common protocol. Nor does Heilig teach the selection of preferred protocols based on transfer speeds. For these reasons, Heilig does describe the “determining,” “comparing,” or “selecting” features of claim 17, as amended herein.

Independent claim 49, as amended herein, recites “determining that the first protocol set and the second protocol set contain two or more security protocols in common” and “comparing the first protocol set associated with the internal node to the second protocol set associated with the external node.” (emphasis added). Also, claim 49 has been amended to recite “selecting a preferred protocol from the two or more security protocols based on transfer speeds associated with the two or more security protocols, wherein the transfer speeds refer to the speeds that network data can be transferred using the two or more security protocols.” (emphasis added).

As previously stated, Heilig does not describe comparing sets of protocols supported by different computing devices to find a common protocol. Nor does Heilig teach the selection of preferred protocols based on transfer speeds. For these reasons, Heilig does describe the “determining,” “comparing,” or “selecting” features of claim 49, as amended herein.

Dependent claims 2-4, 8, 10-12, 14-15, 18-20, 24-31, 50-52, 56-60, and 62 further define novel features of the embodiments recited in independent claims 1, 17, and 49. For at least the reasons set forth above, each of claims 2-4, 8, 10-12, 14-15, 18-20, 24-31, 50-52, 56-60, and 62 is believed to be in condition for allowance by virtue of its dependency from an allowable claim.

REJECTIONS BASED ON 35 U.S.C. § 103

Dependent claims 5-7, 9, 16, 21-23, 32, 53-55 were rejected under 35 U.S.C. § 103(a) for allegedly being unpatentable over Heilig in view of U.S. Patent No. 6,845,452 to Roddy et al. ("Roddy"). Each of these claims depends from one of claims 1, 17, and 49, which, as stated above, are not taught by Heilig. Moreover, Roddy fails to cure any of the above deficiencies. Therefore, the combination of Heilig and Roddy do not teach or suggest all of the features of the aforesaid dependent claims. Accordingly, the § 103(a) rejection should be withdrawn.

CONCLUSION

For at least the reasons stated above, claims 1-12, 14-15, 49-60 and 62 are now in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned—(816)474-6550 or phoeller@shb.com (such communication via email is herein expressly granted)—to resolve the same. It is believed that no fee is due, however, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112.

Respectfully submitted,

/Peter J. Hoeller/

Peter J. Hoeller
Reg. No. 61,468

PJHX/tq
SHOOK, HARDY & BACON L.L.P.
2555 Grand Blvd.
Kansas City, MO 64108-2613
816-474-6550